



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/783,779	02/20/2004	Yu Gong	50277-2334	6676
43425 7590 06/14/2011 HICKMAN PALERMO TRUONG & BECKER/ORACLE 2055 GATEWAY PLACE SUITE 550 SAN JOSE, CA 95110-1083			EXAMINER HARPER, ELIYAH STONE	
			ART UNIT 2166	PAPER NUMBER
			MAIL DATE 06/14/2011	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**Advisory Action**  
**Before the Filing of an Appeal Brief**

**Application No.**

10/783,779

**Applicant(s)**

GONG, YU

**Examiner**

ELIYAH S. HARPER

**Art Unit**

2166

***—The MAILING DATE of this communication appears on the cover sheet with the correspondence address —***

THE REPLY FILED 24 May 2011 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires \_\_\_\_\_ months from the mailing date of the final rejection.  
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.  
Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**NOTICE OF APPEAL**

2. ☐ The Notice of Appeal was filed on \_\_\_\_\_. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

**AMENDMENTS**

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because  
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);  
(b) ☐ They raise the issue of new matter (see NOTE below);  
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or  
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.  
NOTE: \_\_\_\_\_. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).

5. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.

6. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).

7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: \_\_\_\_\_.

Claim(s) objected to: \_\_\_\_\_.

Claim(s) rejected: 100-131.

Claim(s) withdrawn from consideration: \_\_\_\_\_.

**AFFIDAVIT OR OTHER EVIDENCE**

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).

9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).

10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

**REQUEST FOR RECONSIDERATION/OTHER**

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:  
See continuation sheet.

12. ☐ Note the attached Information *Disclosure Statement*(s). (PTO/SB/08) Paper No(s). \_\_\_\_\_

13. ☐ Other: \_\_\_\_\_.

/ELIYAH S HARPER/  
Primary Examiner, Art Unit 2166

Applicant's arguments are not persuasive. In response to applicant's argument that Examiner analogized Kornelson's installation script to the claimed module because the Examiner interprets the installation script to modify the ETL application metadata. Even if it were reasonable to interpret Kornelson's installation script as modifying ETL application metadata, Kornelson's installation script does not cause a target ETL application to perform the other functions described above such as modifying target database metadata or incorporating tablespaces into the target database. Thus, the installation script cannot be considered equivalent to the claimed module. Kornelson's application, metafile, and installation script are generated prior to moving data from log files into the target database. Kornelson describes a single application, not a source ETL application and a target ETL application. Even if Kornelson's application could be considered analogous to the claimed source ETL application, Kornelson's application does not cause a module to be generated, as claimed. In addition to these conceptual distinctions, there are several specific features of the claims that are not taught or suggested by Kornelson in combination with Thomson: 1. Kornelson does not teach or suggest modifying target database metadata. 2. Kornelson does not teach or suggest incorporating tablespaces; fact and dimension tables are not tablespaces. 3. Kornelson does not mention any metadata that defines tablespaces. The Office Action relies on Kornelson at col. 8, lines 20-35 to allegedly teach modifying said target database metadata based on said metadata read from said module to describe a structure of said one or more database objects of said source database. However, the claims recite that the modifying is performed by said target ETL application. The Office Action appears to equate Kornelson's ETL toolset that is used to generate the ETL application with the ETL application itself. This is not correct. The ETL toolset creates the ETL application and the ETL application performs extraction, transformation, and loading of the data. Furthermore, neither the ETL toolset, nor the generated ETL application modifies target database metadata to describe a structure of database objects of said source database. Although Kornelson may place the log file data in fact and dimension tables that are merged with tables already in the target database, the table merge process does not modify the structure of the tables within the target database. Examiner responds that initially examiner notes that one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). In this case the claim limitation "modifying said target database metadata based on said metadata read from said module to describe a structure of said one or more database objects of said source database." Means that metadata is simply being modified to describe a structure, but as in the case or Kornelson anytime a database and its metadata undergo changes (such as in a merge request) the structure of that database has been changed (at least to reflect the merged contents). Moreover the "Test of obviousness is not whether features of secondary reference may be bodily incorporated into primary reference's structure, nor whether claimed invention is expressly suggested in any one or all of references; rather, test is what combined teachings of references would have suggested to those of ordinary skill in art." *In re Keller*, Terry, and Davies, 208 USPQ 871 (CCPA 1981).

In response to applicants argument that Kornelson does not teach or suggest incorporating tablespaces; fact and dimension tables are not tablespaces. and Kornelson does not mention any metadata that defines tablespaces. Also, Claims 100 and 116 each further recites in part: Claims 100 and 116 each also recites in part: "wherein said source database metadata identifies a set of tablespaces that store data for the one or more database objects to be transported, and said set of tablespaces is in a format that is understandable by the target database;" examiner submits that Examiner is entitled to give claim limitations their broadest reasonable interpretation in light of the specification. Interpretation of Claims-Broadest Reasonable Interpretation: During patent examination, the pending claims must be 'given the broadest reasonable interpretation consistent with the specification.' Applicant always has the opportunity to amend the claims during prosecution and broad interpretation by the examiner reduces the possibility that the claim, once issued, will be interpreted more broadly than is justified. In *re Prater*, 162 USPQ 541,550-51 (CCPA 1969). In this case a tablespace simply provides a level of abstraction for underlying data, a fact or dimension table can be and are used in the same manner. Moreover, the argument that Kornelson transforms the data is further proof that there is a level of abstraction.